IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3134 OF 1997
IN
INCOME TAX APPLICATION (LODG.) NO.261 OF 1997

The Commissioner of Income Tax ..Applicant.

V/s.

M/s.Centaur Laboratories P.Ltd. ..Respondent.

Mr.S.M.Shah for applicant.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 28TH AUGUST, 2006.

P.C. :-

Heard Mr.Shah in support of this Motion. Motion seeks condonation of delay of 1362 days. The explanation given is based on administrative difficulties. Normally, we may not have accepted this explanation. But it is also pointed out that the question involved in the matter is covered in favour of the revenue by the Judgment in the case of **Eskayef (now known as Smith Kline Beecham Pharmaceuticals (India) Ltd. V/s. Commissioner of Income Tax** reported in **245 I.T.R. 116**.

2. Respondents are served. Nobody is present for them. In the circumstances, we allow this Motion in terms of prayer clause (a). Delay is condoned.

Application be numbered and be notified after 4 weeks. Notice to respondent disposal of the application. Applicant to serve the respondents in the meanwhile.

3. Notice of Motion disposed of accordingly.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)